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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,344	11/21/2003	William A. Taylor	3290-11	3317

7590 03/07/2007
VISTA GAMING CORP.
1326 ASPEN DRIVE
EVERGEEN, CO 80439

EXAMINER

THOMAS, ERIC M

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/719,344

Applicant(s)

TAYLOR, WILLIAM A.

Examiner

Eric M. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date ^{7/26/04}~~7/8/04~~, 12/6/04, 5/19/05, 6/10/05

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 6 - 16, 18, 19, 21 - 27 rejected under 35 U.S.C. 102(e) as being anticipated by Olsen (US 6,146,273).

Regarding claims 1 and 11, Olsen discloses a method of playing a game machine, which includes initiating a gambling game with an indeterminate period of play on the gaming machine (col. 3, lines 40 - 48). This means that the play period of a game cycle is uncertain since there is no way to tell whether or not a losing outcome will take place, or a bonus event, which thereby allows the player to continue to play for an extended period of time. The gaming machine also displays a plurality of parameters, which is related to the gaming device (col. 24, lines 46-62). The player interacts with the gaming machine from the data selected by the player (col. 5, lines 34-45). The outcome of the gaming machine is determined based on data provided in a storage means of the gaming machine in which these results are displayed periodically (col. 5, lines 18 – 22, col. 6, lines 31 – 39), and a successive period of play based on the outcome of the game (col. 2, lines 39 – 48, col. 6, lines 56 – 58, col. 8, lines 48 – 53).

Regarding claims 3, 4, 12 – 14, 18, 19, and 21, Olsen discloses a method step where there is at least one special or game extension symbol that increases the said minimum number of game winning opportunities is displayed randomly, which is dictated by the data selected by the player or the outcome of game play (col. 25, lines 36 – 46).

Regarding claim 15, Olsen discloses a method of playing a game machine, where the predetermined game is a slot machine wherein said the game winning opportunities is based a minimum number of reel spins when a period of play is initiated (col. 5, lines 4 – 9, col. 10, lines 27 – 32).

Regarding claims 9 and 16, Olsen discloses a method of playing a game machine, which includes initiating a predetermined number of game plays for a first game operating on the device. It also displays a plurality of parameters related to this first game, in which the player interacts with the gaming machine of the predetermined number of game plays, which displays at least one special symbol during game play that is used in a secondary game or bonus mode, depending on the outcome of the first game (col. 12, lines 13 – 25).

Regarding claims 22 - 24, Olsen discloses a method of playing a game machine in which determining the outcome of a game playing situation is classified as a win or loss in which the player loses a predetermined game if a loss occurs (col. 9, lines 64 – 67). It also includes a pay table, which dictates the player's reward for outcome of a win, along with the player's wager, which alters the pay table randomly. The payout amount

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is selectively increased based on the outcome of a win, or decreased based on the outcome of a loss (col. 17, Table I, and lines 28 – 46, col. 27, lines 37 - 46).

Regarding claims 26 and 27, Olsen discloses a method of the game machine where the pay table is affected by an event within the game. The said event could include either a player interaction like or addition of money or credit towards the game (col. 29, lines 58 – 64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273) in view of Jorasch et al., (US 6,315,662).

The claimed invention discloses a storage means in which the game machine consists of a computer hard drive, which can also be connected to a plurality of other gaming machines in order to provide a competition between players. Olsen is silent on providing a storage device, however, Jorasch teaches of a gaming machine in which the data storage device may be a computer hard drive and is also capable of being interconnected in operable communication with other gambling machines (col. 4, lines 21 – 22, col. 4, lines 35 - 45). Therefore, it would have obvious to one of ordinary skill in the art at the time of invention to include a computer hard drive into a gaming machine to provide a storage device for the machine that could be interconnected through a

communication port with other gaming machines in order to provide a computer network that may perform any or all game functions remotely.

Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273) in view of Walker et al., (US 6,077,163).

The claimed invention discloses a method that while initiating a selected time period of play, it may be altered on at least one of a fee and period of time. It also discloses a method where the selected time periods may be temporarily suspended to permit player interaction without a time penalty, wherein the minimum number of games played is at least two. Olsen is silent on these features, however, Walker teaches a method of playing a game machine, where the selected time periods maybe altered based on a fee and period of time (col. 3, lines 20 – 25), could be suspended without a time penalty (col. 6, lines 35 – 39), and where the minimum of gambling games played is at least two (fig. 2B). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the features of Walker's gaming machine with Olsen's in order to play as many games as possible to maximize player returns.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273) in view of Smith et al., (US 6,147,696).

The claimed invention discloses a method wherein the selected time period is temporarily suspended to permit additional wagering without a time penalty. Olsen is silent on this feature, however, Smith teaches of suspending a play time period in order to permit additional wagering without a time penalty (col. 2, lines 30 – 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was

made to suspend the time play of Olsen in order to permit additional wagering, which does not penalize the player with a time penalty.

Claims 17 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (US 6,146,273).

The claimed invention discloses a mining theme in which there are special symbols of mining tools, which allow the player to navigate through the game to obtain prizes. Olsen however, provides a gaming machine that includes a Hollywood theme in which the player would use to navigate through the game (col. 24, lines 46 – 53). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a mining theme in the game machine to navigate through the game in order to provide extra excitement to the game play.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Ronald J. Jones
Primary Examiner
3/2/07